

House Amendment 1337

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1 1 Amend Senate File 413, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by inserting after line 22 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 73A.22 STATE ASSISTANCE
1 6 RESTRICTIONS == UNAUTHORIZED ADULT ALIENS ==
1 7 PENALTIES.
1 8 1. For purposes of this section, unless the
1 9 context otherwise requires:
1 10 a. "State aid" means any form of financial
1 11 benefit, aid, or assistance provided to a person by a
1 12 state department, institution, or agency.
1 13 b. "Unauthorized adult alien" means a person who
1 14 is eighteen years of age or older and who is not a
1 15 citizen or legal resident of, and who has not been
1 16 lawfully admitted to the United States for permanent
1 17 residence or who is not authorized to work in the
1 18 United States.
1 19 2. A state department, institution, or agency
1 20 shall not provide any state aid to an unauthorized
1 21 adult alien.
1 22 3. A person who makes a false statement or
1 23 representation as to whether the person is an
1 24 unauthorized adult alien knowing it to be false or
1 25 knowingly fails to disclose this fact, to obtain or
1 26 increase any state aid in violation of this section,
1 27 is guilty of a fraudulent practice as defined in
1 28 sections 714.8 to 714.14. The total amount of state
1 29 aid involved in the completion of or in the attempt to
1 30 complete a fraudulent practice shall be used in
1 31 determining the value involved under section 714.14.
1 32 Sec. _____. NEW SECTION. 91F.1 DEFINITIONS.
1 33 As used in this chapter:
1 34 1. "Commissioner" means the labor commissioner.
1 35 2. "Employee" means a natural person who is
1 36 employed in this state for wages paid on an hourly
1 37 basis by an employer.
1 38 3. "Employer" means a person, as defined in
1 39 section 4.1, who in this state employs for wages, paid
1 40 on an hourly basis, one or more natural persons. An
1 41 employer does not include a client, patient, customer,
1 42 or other person who obtains professional services from
1 43 a licensed person who provides the services on a fee
1 44 service basis or as an independent contractor, or the
1 45 state, or an agency or governmental subdivision of the
1 46 state.
1 47 4. "Unauthorized alien" means a person who is not
1 48 lawfully present in the United States.
1 49 Sec. _____. NEW SECTION. 91F.2 UNAUTHORIZED ALIENS
1 50 == EMPLOYER PROHIBITION.
2 1 An employer shall not knowingly employ as an
2 2 employee an unauthorized alien. For purposes of this
2 3 section, "knowingly employ as an employee an
2 4 unauthorized alien" means an employer has actual
2 5 knowledge that a person is an unauthorized alien and
2 6 employs the person as an employee. An employer who
2 7 obtains a verification of employment eligibility form
2 8 required by the federal Immigration Reform and Control
2 9 Act of 1986, 8 U.S.C. } 1324a, shall not be considered
2 10 in violation of this chapter.
2 11 Sec. _____. NEW SECTION. 91F.3 PENALTIES.
2 12 1. An employer who violates section 91F.2 is
2 13 subject to a civil penalty of up to one thousand
2 14 dollars.
2 15 2. A corporate officer of an employer who, by
2 16 knowingly directing the repeated violation of section
2 17 91F.2, demonstrates a pattern of employing
2 18 unauthorized aliens commits a serious misdemeanor.
2 19 3. An employer who, through repeated violation of
2 20 section 91F.2, demonstrates a pattern of employing
2 21 unauthorized aliens may be ordered to pay punitive
2 22 damages.
2 23 Sec. _____. NEW SECTION. 91F.4 DUTIES AND
2 24 AUTHORITY OF THE COMMISSIONER == ENFORCEMENT BY

2 25 ATTORNEY GENERAL.
2 26 1. The commissioner shall adopt rules to implement
2 27 and enforce this chapter.
2 28 2. In order to carry out the purposes of this
2 29 chapter, the commissioner or the commissioner's
2 30 representative, upon presenting appropriate
2 31 credentials to an employer's owner, operator, or agent
2 32 in charge, may:
2 33 a. Inspect employment records relating to the
2 34 employees of the employer.
2 35 b. Interview an employer, owner, operator, agent,
2 36 or employee, during working hours or at other
2 37 reasonable times.
2 38 3. If the commissioner has reason to believe that
2 39 an employer may be in violation of this chapter, the
2 40 commissioner shall notify the attorney general, and
2 41 provide the attorney general with any supporting
2 42 information, for prosecution of the violation by the
2 43 attorney general.
2 44 Sec. _____. NEW SECTION. 91F.5 PROHIBITIONS
2 45 RELATING TO CERTAIN ACTIONS BY EMPLOYEES == PENALTY ==
2 46 CIVIL REMEDY.
2 47 1. An employer shall not discharge an employee or
2 48 take or fail to take action regarding an employee's
2 49 appointment or proposed appointment or promotion or
2 50 proposed promotion, or regarding any advantage of an
3 1 employee as a reprisal for a failure by that employee
3 2 to inform the employer that the employee made a
3 3 disclosure of information to any law enforcement
3 4 agency if the employee reasonably believes the
3 5 information evidences a violation of section 91F.2.
3 6 2. Subsection 1 does not apply if the disclosure
3 7 of the information is prohibited by statute.
3 8 3. An employer who violates subsection 1 commits a
3 9 simple misdemeanor.
3 10 4. Subsection 1 may be enforced through a civil
3 11 action.
3 12 a. An employer who violates subsection 1 is liable
3 13 to an aggrieved employee for affirmative relief,
3 14 including reinstatement, with or without back pay, or
3 15 any other equitable relief the court deems
3 16 appropriate, including attorney fees and costs.
3 17 b. If an employer commits, is committing, or
3 18 proposes to commit an act in violation of subsection
3 19 1, an injunction may be granted through an action in
3 20 district court to prohibit the person from continuing
3 21 such acts. The action for injunctive relief may be
3 22 brought by an aggrieved employee or the attorney
3 23 general.
3 24 Sec. _____. NEW SECTION. 91F.6 CERTIFIED EMPLOYEE
3 25 ORGANIZATIONS == MEMBERSHIP DUES OR FEES.
3 26 A certified employee organization shall certify to
3 27 the commissioner that a potential member of the
3 28 organization is lawfully present in the state before
3 29 accepting membership dues or fees.>
3 30 #2. By renumbering as necessary.
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3 34 RANTS of Woodbury
3 35 SF 413.573 82
3 36 ak/je/7435